



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Affymetrix, Inc. (Michael Mittman, et al.) )  
Application No.: 09/827,383 )  
Filed: April 4, 2001 )  
For: TAG NUCLEIC ACIDS AND PROBE ARRAYS ) *#9*  
Attorney Docket: 04537.005 / 3108.1 )

**RESPONSE TO NOTICE OF INCOMPLETE REPLY, PETITION FOR  
EXTENSION OF TIME and  
STATEMENT UNDER CFR § 1.821(f)**

Box Response  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Missing Parts dated May 18, 2001, and the subsequent Notice of Incomplete Reply dated October 1, 2001, Applicants submit the requested copies of the "Sequence Listing" in compact disc form herewith. Applicants direct entry of the Sequence Listing into the above-referenced application.

On information and belief, the written Sequence Listing submitted herewith is identical to the sequence listing information recorded in computer readable form ("CRF"), previously submitted. Both the CRF and the written Sequence Listing are identical to the Sequence Listing provided in Table 1, pages 10-53 of the above-referenced application, and neither the CRF nor the written Sequence Listing includes new matter.

Applicants respectfully request a four-month extension of time to respond to the Notice of Missing Parts. This extends the time for response to November 19, 2001, in accordance with 37

Assistant Commissioner for Patents  
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CFR § 1.7, since the time for reply fell on Sunday, November 18, 2001. Please debit Deposit Account No. 50-0581 the fee for this extension and for any other deficiencies if necessary.

Dated this 19<sup>th</sup> day of November 2001.

Respectfully submitted,

*Vanessa B. Pierce*  
Vanessa B. Pierce (Reg. No. 42,074)  
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**Attorney Docket:**  
**04537.005 / 3108.1**



11-28-01

Two CD inside the  
envelope.



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November 19, 2001

**VIA U.S. EXPRESS MAIL LABEL NO. EL 900 105 147 US**

Box MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D. C. 20231

**EL 900105147US**

Re: Affymetrix, Inc. Nonprovisional Patent Application  
"Tag Nucleic Acids and Probe Arrays"  
Docket No. 04537.005/3108.1

Sirs:

We are responding to your *Notice of Incomplete Reply (Nonprovisional)*, which was mailed on October 1, 2001. We enclose the appropriate documents for your filing purposes. This mailing consists of:

1. Two copies of the Sequence Listing;
3. a *Petition for Extension of Time and Statement Under C.F.R. § 1.821(f)*;
4. a copy of the *Notice of Incomplete Reply (Nonprovisional)*;
5. an Express Mail certificate of mailing; and
6. a return postcard.

Please charge any fees that may be due to Deposit Account No. 50-0581 of the undersigned.

Sincerely,

PARSONS BEHLE & LATIMER

Vanessa B. Pierce  
Registered Patent Attorney, #42,074

VBP/kgs  
enclosures

CERTIFICATION UNDER 37 C.F.R. 1.8  
I hereby certify that this document, along with attachments referred to or identified as being enclosed, is being deposited with the United States Postal Service with sufficient postage as Express Mail on 19 November 2001 in an envelope addressed to Commissioner for Patents, Washington, D. C. 20231. Name of Registered Representative: Vanessa B. Pierce, Reg. No. 42,074





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/827,383	04/04/2001	Michael Mittmann	04537.005 / 3108.I



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CONFIRMATION NO. 6376  
 FORMALITIES LETTER



Date Mailed: 10/01/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 08/20/2001 to the Notice to File Missing Parts (Notice) mailed 07/12/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application includes a copy of the "Sequence Listing" on a compact disc (37 CFR 1.821); however, it does not include two copies of the compact disc (37 CFR 1.52(e)(4)) in addition to the computer readable form. 37 CFR 1.821(e). Applicant must provide the required second compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

*Frank J. Muller*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY